

MINUTES

P & Z COMMISSION HEARING

June 18, 2009

ATTENDANCE P & Z Commissioners

ATTENDED

1. Wendell DeCross, Chairman
2. Carol Davis
3. Bill Rawlings
4. Ruth Ann Smith
5. Bob Hall
6. Joel Lawson
7. Rick Slone
8. Chuck Teetsel

ABSENT

Evelyn Meadows
Jason Hatch
Robert K. Black, Jr.

Staff Attendance

Bill Fraley
Linda Elliott
David Swietanski
Peggy Saunders

Homero Vela
Lance Payette
Alberto L. Peshlakai
Trent Larson

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona - Time: 6:00 p.m.

Chairman, Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order, and apologized to those who were on their way, or had planned to attend the May P & Z meeting that was cancelled due to lack of a quorum. Mr. DeCross then led the Pledge of Allegiance and explained the meeting procedures to the public, as well as some of the housekeeping rules. He asked those who want to address the Planning and Zoning Commission to come to the podium, and state their name prior to speaking. Mr. DeCross welcomed and introduced the newest Planning & Zoning Commissioner, Mr. Chuck Teetsel from District V.

Item # 1 - SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Joy T. Pearce/Kay Perkins, for a Special Use Permit to allow a public roping arena (public riding stable and sports arena) on the subject 64.40 acre property known as APN: 409-20-001D, 001E, 014 & 022, located in Township 10 North, Range 21 East, Section 4, of the Gila and Salt River Meridian, in the Linden area. **Greg Loper** gave an overview of the project as outlined in the staff report, and displayed a site plan showing the location of the roping arena. The property is zoned A-General which does allow for roping arenas of a smaller scale; but because this has become a public type operation, staff has come forward with a Special Use Permit. Mr. Loper pointed out the locations of the various structures, parking areas and roadways on the site plan. The roping arena is fairly large but well constructed, pursuant to our zoning ordinances the roping arenas need to be set back from adjoining property lines a minimum of 100 feet. The closest approach to the adjacent property is to the west, at 114 feet, which exceeds the zoning ordinance requirements. Mr. Loper acknowledged that they have received some letters and emails of concern from neighboring property owners. The roping operation centers around three main events that occur during the summer months: Memorial Day, the 4th of July, and Labor Day. These events are well advertised and will bring people to the area on a larger scale; people who will stay for several days. On other weekends they may be open for smaller and more localized events, which may be open to the public, but are not intended to be the major events. When they first started the process of the Special Use Permit, they had concerns regarding traffic, dust control, how the traffic will work within the operation itself, so staff proposed a number of stipulations, or conditions that are included in the Staff Report for your consideration. Unfortunately, the Staff Report included in the Commission packets left out three important conditions to the project, so a revised Staff Report was prepared with the additional recommendations, which were read to the Commissioners. Two of the conditions deal with Flood Control issues, to make sure the developer complies with the Flood Control District Regulations for Navajo County. The last condition, which may be new to the Commissioners, deals with noise. These three conditions are as follows. Number 10: There shall be no construction that will obstruct the flow of water within 50 ft from the center of the watercourse. Number 11: Any development of this property shall comply with Navajo County Flood Damage Prevention Ordinance. Number 12: Noise. The Public Address system and crowd noise shall be kept at a level that does not unreasonably disturb the peace and quiet enjoyment of residents in the vicinity of the arena, and in no event shall the noise level within one mile of the arena exceed an Leq(h) of sixty-four dBA as determined in accordance with section 17-602 of the Arizona Revised Statutes. There were some issues generated from the Memorial Day Event for the adjacent neighbors, concerning the PA system, and in the future there may be lighting issues. The proposed cut off time for events is 10:00 p.m., but there may be some residual and safety lighting for safety precautions as people leave the area. The

level of noise that goes beyond the boundary of the property was an issue, so staff worked with the County Attorney and came up with a standardized "noise condition" that is taken from the State Statutes.

Owner/Applicant Comments:

Joy T. Pearce is a resident of Linden, and he sold this property to Mr. Kay Perkins about a year ago. Mr. Pearce gave a history of the property, and the current zoning which is A-General, and the uses permitted in the Zoning Ordinance. He is in favor of seeing this project go forward. He agrees this is a well constructed project, and has known Mr. Perkins for a number of years, and knew that Mr. Perkins would work to make this project successful and a benefit to the community.

Wendell DeCross asked, as a point of clarification if Mr. Pearce is the current owner of the property. **Mr. Pearce** responded, (he is) until the purchase funds come to him, and then Mr. Perkins will become the owner.

Rick Slone asked if he still had something to do with the road easement for access to the houses behind the property. **Mr. Pearce** said, currently there is no legal easement that exists, but it will be dedicated to the County, *if* the Special Use Permit is approved, otherwise there will be no easement. Mr. Pearce then pointed out the tentative easement locations on the site map.

Brandon Perkins, son of Mr. Kay Perkins spoke in favor of the Special Use Permit. When they started the project, there were a lot of old trucks, and scrap iron they cleaned up, as well as tires and debris from dead trees on the property, to make it a nice area. Mr. Perkins said the dust issue has been addressed; the roads are watered first thing, and several times during events. They want to be good neighbors, and he understands the concerns about the noise in the area. They want to keep the dust down to protect their horses as well. He believed they went above and beyond what was required to assure that every issue of concern was addressed. The major events will bring in people from a wide range of areas, and from out of state, and they would purchase lodging, food, and fuel buying fuel, food, and using hotels, which would boost the economy for this area. This will also benefit the local 4-H group which will teach them life values, and others who will be using the facilities. He stressed that this is not a money maker for them, it was a done out of love, and it has always been a family dream; they just hope to break even. He felt that residents had a taste of the major events over the Memorial Day weekend.

In Favor: No one from the public came forward in favor of this Special Use Permit.

Opposed: **Beatrice Hauser** who lives at 1080 Mogollon Circle in Linden, APN 409-19-043, just east of parcel 409-20-001D spoke in opposition of the Special Use Permit and their adjoining neighbors concerns.

- Noise was a very big concern, she and her neighbors were unable to go outside over the Memorial Day weekend and have a conversation on their deck because of the loud speakers and crowd noise.
- The proposed corrals/stables near their property would bring in flies, manure, and offensive odors.
- Who would be responsible for the drainage and ponding issues caused by rain?
- Who will clean up the horse manure, so if it rains it won't run off onto surrounding properties?
- Why it was even possible for events to take place before the Special Use Permit was granted.

Greg Loper addressed the pond issue and explained that developers must detain excess water on site for 36 hours. A detention basin meters the water out at a lower rate. This question is addressed in the conditions set forth in numbers 10 and 11 which deal with those concerns so that developers are in compliance with the applicable laws. The applicant is responsible to make sure all the conditions are met. Mr. Loper said that if the concerns are not taken care of through the Special Use Permit, items such as the noise and other complaints could be handled through the County's Code Enforcement. The Planning and Zoning Department has always tried to work with applicants, and Mr. Perkins has shown his willingness to meet the conditions required. The A-General Zoning allows small scale roping arenas, Mr. Perkins willingly came forward to apply for a Special Use Permit, because of the three holiday weekends, they expect will draw larger crowds. A SUP would not be required for any small scale activities. This still has to go through the Board of Supervisors, and Mr. Perkins is doing this project at risk. Mr. Loper deferred the question of the manure disposal to Mr. Perkins.

Brandon Perkins said the corrals/stalls in the pond area, on the site plan was not a good place to build. They would have to bring in a lot of material to get out of the wet area. **Rick Slone** said he was familiar with the property, and agreed with Mr. Perkins that it is a swampy area, and they would have to raise it up in order to use it for corrals. He also visited the site, and was impressed with the way the road and arena was maintained, and their use of cinder sand. **Mr. Perkins** said that manure is supposed to be cleaned up after the major events, and if it was not cleaned up properly, the owners would clean it up. He reiterated that they want to be good neighbors.

Greg Loper pointed out that A-General Zoning allows for horses and cattle in that area, and is not germane to the Special Use Permit itself; these are valid concerns, but this Special Use Permit is tied to the use of the roping arena's major events. The roping arena meets the required setbacks.

Commissioner's Questions/Comments:

Chuck Teetsel asked who runs the big events, and how many cattle/steers were used for the last event. **Brandon Perkins** responded the TRC (The Roping Company) is the major producer for these events, and there were about 70 head of cattle. **Rick Slone** asked the approximate noise level for 64 decibels, which addresses the noise issue. **Lance Payette** responded by comparing the noise of an airport at 120 decibels to that of a shooting range, which is one mile away, at approximately 64 decibels. The measurement is not unreasonably low, and the noise won't be as offensive. If it does exceed those levels, it will be taken care of through the Code Enforcement process. **Bob Hall** asked how often events would be held besides the three major events. **Brandon Perkins** said there is no set schedule, but they have requests from barrel racing clubs, 4-H and other groups to use the facilities, and there could be events most weekends when the weather is good.

Greg Loper again reminded the group that small events such as these are an allowable use in the A-General Zoning. Commissioners asked about the direction of the PA system speakers, and Mr. Perkins pointed out where the speakers were located on the site plan, and

none were facing toward the adjoining residential properties. **Beatrice Hauser** interjected that they could still hear the announcers, because the speakers were too loud. **Mr. Perkins** said they have addressed the dust issue, and will deal with lighting, the PA system, and complaints from neighbors. **Joel Lawson** suggested that the speakers may be pointed downward. He also said if the event was shut down earlier, people who come great distances would lose interest. **Rick Slone** agreed with Mr. Lawson, they need to be flexible on the stopping time. **Greg Loper** said they limited the hours from 7:00 a.m. to 10:00 p.m. on weekends, which is reasonable, and they are addressing the noise using the conditions set forth in the Arizona Revised Statutes. **Joy T. Pearce** spoke to the commission concerning the noise by issue, and said that Mr. Kay Perkins is one of the best developers in the area, and they will address the issue as much as they can. People, who purchase land near an A-General zoning area, need to be aware that these uses are allowable in that area, and He recommended that this Special Use Permit be granted. **Beatrice Hauser** asked if it would be possible for the surrounding neighbors to have a copy of the stipulations. **Mr. DeCross** agreed, and said copies would be furnished. A motion was made by **Joel Lawson** to approve this Special Use Permit with the recommendations and conditions stated by staff. PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission grant this Special Use Permit request, staff would recommend the following conditions be applied: *1. This Special Use Permit shall permit the operation of a roping arena, along with accessory uses and structures. 2. The permitted special use shall be allowed to occur only in the location shown on the approved site plan. 3. Hours of operation shall be limited to: 7:00 a.m. to 10:00 p.m., with the Public Address System and Arena lights turned off by 10:00 p.m. 4. Traffic Control. The applicant shall provide for circulation and parking assistance by utilizing people and signage to direct traffic to the correct locations for parking, etc., during major events. 5. Dust Control. The applicant shall utilize a water truck or other method for dust control before and during major events. 6. Lighting. Lighting is to be directed and shielded so as to not be directed towards adjacent properties. 7. Road Improvements. All perimeter and interior roadways used in conjunction with the proposed use are to be surfaced with an aggregate base-type surfacing material. Additionally, if easements are granted for Linden Valley Road access, the improvements shall include a drainage ditch along the east-side of the roadway, and grading of the road shall be provided to create a "crown" for drainage, along with aggregate base-type surfacing material from S.R. 260 northward to the northern boundary of APN 409-20-001D (northwest corner of the site). 8. The applicant shall notify the appropriate emergency response agencies (police, fire & E.M.S.) prior to any major events. 9. Construction of this facility must commence within twelve (12) months following Board of Supervisors approval. Failure to do so may result in a review by the Board for possible revocation of the Special Use Permit. 10. There shall be no construction that will obstruct the flow of water within 50 ft from the center of the watercourse. 11. Any development of this property shall comply with Navajo County Flood Damage Prevention Ordinance. 12. Noise. The Public Address system and crowd noise shall be kept at a level that does not unreasonably disturb the peace and quiet enjoyment of residents in the vicinity of the arena, and in no event shall the noise level within one mile of the arena exceed an Leq(h) of sixty-four dBA as determined in accordance with section 17-602 of the Arizona Revised Statutes.*

The motion was seconded by **Rick Slone**, and passed unanimously. **In Favor: 8, Opposed: 0.**

Item # 2 - TENTATIVE PLAT EXTENSION: Discussion and possible Commission action on a request by Pacific Holt Corporation, for a 24 month extension of time to prepare the Final Plat for submittal to the Board of Supervisors for approval for Mesa Hills Estates. Property is known as APN: 109-33-040B, and portions of 109-33-040A, 109-01-005, 109-31-010C & 109-31-010E, in Township 17 and 18 North, Range 20 East, Section 4, 33 & 34 of the Gila and Salt River Meridian, in the Perkins Valley area.

Bill Fraley informed the commission that John Gurrola representing Pacific Holt Corporations is present and will answer any questions the commission may have. Mr. Fraley told the commission he would like to discuss items 2 & 3 as one item because they are the same request, in order to save time. **Mr. DeCross** asked the commission if items 2 & 3 can be combined, and hearing no objections from the commission both items were combined as one report. **Bill Fraley** gave a brief review of the proposed tentative plat for Mesa Hills Estate and Perkins Valley Estate that previously presented to the commission and approved in 2008. Mr. Fraley pointed out that this is request to allow an extension of time due to the economy. Mr. Fraley presented Mesa Hills and Perkins Valley Estate using a tentative plat map that displayed both projects which outlines the property boundaries, proposed easements, existing easements surrounding the proposed subdivisions, and total acreage for both estates, and stated that staff recommends the 24 month extension.

Owner/Applicant Comments:

John Gurrola introduced himself to the commission and commented that he appreciates working with a staff who listens and works with you to move projects forward. He is present to answer any questions and further stated that due to hard times this request is needed.

Greg Loper pointed out that both items need to have separate actions for each tentative plat. **Wendell DeCross** concurred and further stated each item will be addressed individually from here on out as far as action are concerned

In Favor: No one from the public came forward in favor of this tentative plat extension.

Opposed: No one from the public came forward in opposition of this tentative plate extension.

A motion was made by **Joel Lawson** to approve the Tentative Plan extension with the recommendations and conditions made by staff. PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission grant this Tentative Plat request, staff would recommend the following conditions be applied:

1. All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction

Improvement Plans and Grading Plans). 2. A Floodplain Study shall be submitted for approval showing the delineation of the floodplain, floodway, and base flood elevations. The Final Plat associated with this Tentative Plat shall delineate the floodplain and floodway boundaries and include reference to the NAV Datum 1988. Base Flood Elevations shall be identified on each buildable parcel that is inside the 100 year floodplain on the Final Plat. 3. No later than 6-months after the drainage improvements are completed, the developer shall submit for a Letter of Map Revision (LOMR) to FEMA. 4. The Army Corp will be consulted, by the developer, whenever the jurisdictions of Waters of the United States are in question. Documentation shall be provided with the Final Plat indicating Corps notification of the jurisdiction. 5. Detention basin requirements need to be established for this development and additional details for the drainage system will be required with the improvement plans. 6. The Final Traffic Impact Analysis and Final Drainage Report shall be approved by the Engineering staff prior to scheduling the Final Plat before the Board of Supervisors. 7. All required offsite improvements identified in the TIA or Master Drainage Plan shall be constructed or financially assured prior to scheduling the Final Plat before the Board of Supervisors. 8. The Tentative Plat approval is conditional upon applying for a Final Plat approval within a 24-month period from the date of the Tentative Plat approval. If the Final Plat submittal is not in place within this time period and if an extension of time is not requested from the Planning & Zoning Commission, the Tentative Plat will expire and become invalid.

The motion was seconded by **Bob Hall** and passed unanimously. **In Favor: 8, Opposed: 0**

Item # 3 – TENTATIVE PLAT EXTENSION: Discussion and possible Commission action on a request by Pacific Holt Corporation, for a 24 month extension of time to prepare the Final Plat for submittal to the Board of Supervisors for approval for Perkins Valley Estates. Property is known as APN: 109-33-015, 016, 017, 022, 023, 024, 025, 027, 028, 029, 030A, 033 and 039 in Township 18 North, Range 20 East, Section 33 of the Gila and Salt River Meridian, in the Perkins Valley area.

The Staff Report was presented by Bill Fraley as being the same as item number two (2) and needed to be a separate action. **Bob Hall** made a motion to approve the extension of time with the recommendations and conditions set forth by staff. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Commission grant this Tentative Plat request, staff would recommend the following conditions be applied: 1. *Variances shall be requested in accordance with Section 4.12 and justified The Tentative Plat approval is conditional upon applying for a Final Plat approval within a 24 month period from the date of the Tentative Plat approval. If the Final Plat submittal is not in place within this time period and if an extension of time is not requested from the Planning & Zoning Commission, the Tentative Plat will expire and become invalid.* 2. *All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans).* 3. *A Conditional Letter of Map Revision (CLOMR) shall be submitted to FEMA prior to the Final Plat Approval. The Grading Plan for the phase affected by the floodplain changes shall not approved until the CLOMR is approved by FEMA.* 4. *No later than 6 months after the drainage improvements are completed the developer shall submit for a Letter of Map Revision (LOMR) to FEMA.* 5. *The proposed drainage ditch shall be sized to meet the greater of: a) Convey the 500 year event ; b) Or be sized to meet FEMA requirements.* 6. *The developer to determine jurisdictional and other Corps requirements shall consult the Army Corps.* The Motion was seconded by **Bill Rawlings**. The motion passed unanimously. **In Favor: 8, Opposed: 0.**

Item # 4 – SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Pacific Wind Development, for a Special Use Permit to allow Iberdrola Renewables, Inc. to erect a tower with a total height of 197 feet to measure wind and solar elements for the potential of alternate power on the subject 639.68 acre property known as APN: 202-26-001, located in Township 14 North, Range 20 East, Section 1, of the Gila and Salt River Meridian, in the Snowflake area.

The staff report was given by **Linda Elliott**. She said that she has two Meteorological Tower (Met Tower) requests which are similar to the two previously brought before and passed by the commission. The parcel number for the first item is 202-26-001. Ms. Elliott presented an aerial map of the subject parcel that displayed highway 77 to the east, five mile draw and seven mile draw and located near a new dirt road that comes back to the APS substation and off that back section. This is for a 197 foot tower set up to measure wind and solar elements. The area is used for grazing and the use will just bring in very limited traffic. The major traffic will occur during the construction of the tower. **Joel Lawson** asked if the measurements will be read or if it is transmit them out. **Linda Elliott** said that it's transmitted. The item has been properly noticed, and the RU-20 Zoning allows this use. **Ms. Elliott** displayed the pictures and briefly described the tower, support system and the required fencing for security purposes. **Mr. DeCross** asked if the towers are temporary. **Ms. Elliott** said they will be in place for 36 months. **Joel Lawson** asked the status of addressing these types of request. **Greg Loper** responded that staff is preparing a standardized ordinance to address these types of towers. **Joel Lawson** suggested these Met Tower requests should be separated from the Cell Towers. **Greg Loper** agreed.

Owner/Applicant Comments:

Matt Heck of Iberdrola Renewables, Inc. was available to answer any questions the Commission may have

In Favor: No one from the public came forward in favor of this Special Use Permit.

Opposed: No one from the public came forward in opposition of this Special Use Permit.

Commissioner's Questions/Comments: There were no further comments from the Commission or Staff.

A motion was made by **Bob Hall** to approve the Special Use Permit with the recommendations and conditions as stated by staff. **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Commission grant this Special Use Permit request, staff would recommend the following conditions be applied: 1. *This Special Use Permit shall permit the installation of a 197 foot tower to*

measure wind and solar conditions on the subject property. 2. The permitted special use shall be allowed to occur only in the location shown on the approved site plan. 3. Property must be fenced and screened to a height of 6' immediately around the ground level guy wire attachments. 4. Construction of this facility must commence within a twelve (12) month period of time following Board of Supervisors approval. Failure to do so will result in a review by the Board for possible revocation of the Special Use Permit. 5. The tower shall include the installation of lighting that conforms to FAA regulations. 6. This Special Use Permit will be reviewed 36 months after Board of Supervisors approval to determine whether it will be extended or terminated. 7. The tower shall be located so it will not fall onto an adjacent property nor another structure.

The Motion was seconded by **Ruth Ann Smith**. The motion passed unanimously. **In Favor: 8, Opposed: 0.**

Item # 5– SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Pacific Wind Development, for a Special Use Permit to allow Iberdrola Renewables, Inc. to erect a tower with a total height of 197 feet to measure wind and solar elements for the potential of alternate power on the subject 627.74 acre property known as APN: 202-27-006, located in Township 14 North, Range 21 East, Section 7, of the Gila and Salt River Meridian, in the Snowflake area. The Staff Report was presented by **Linda Elliott** who stated that this is the second Met Tower, which is similar to the one previously presented. Mrs. Elliott indicated that this second tower is a couple of sections away from the first near Highway 77.

Owner/Applicant Comments: The applicant made no further comments.

In Favor: No one from the public came forward in favor of this Special Use Permit.

Opposed: No one from the public came forward in opposition of this Special Use Permit.

Commissioner's Questions/Comments: There were no further comments from the Commission or Staff.

A motion was made by **Bill Rawlings** to approve the Special Use Permit with the recommendations and conditions made by staff.

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Commission grant this Special Use Permit request, staff would recommend the following conditions be applied: 1. *This Special Use Permit shall permit the installation of a 197 foot tower to measure wind and solar conditions on the subject property. 2. The permitted special use shall be allowed to occur only in the location shown on the approved site plan. 3. Property must be fenced and screened to a height of 6' immediately around the ground level guy wire attachments. 4. Construction of this facility must commence within a twelve (12) month period of time following Board of Supervisors approval. Failure to do so will result in a review by the Board for possible revocation of the Special Use Permit. 5. The tower shall include the installation of lighting that conforms to FAA regulations. 6. This Special Use Permit will be reviewed 36 months after Board of Supervisors approval to determine whether it will be extended or terminated. 7. The tower shall be located so it will not fall onto an adjacent property nor another structure.*

The motion was seconded by **Chuck Teetsel**. The motion passed unanimously. **In Favor: 8, Opposed: 0.**

Item # 6 – TEXT AMENDMENT: Repeal of the existing Article 27 of the Navajo County Zoning ordinance, titled “Administration and Enforcement”, to be replaced with a new Article 27, also entitled “Administration and Enforcement”, which addresses violations to the provisions of the Zoning ordinance, establishes the Office of the Navajo County Zoning Hearing Officer, provides for the adoption of Hearing Officer Rules of Procedure by resolution of the Board of Supervisors; and established an outline for fees as may be imposed for violations of the Zoning ordinance.

Homero Vela gave a brief history of the code enforcement process and provided a handout outlining the proposed amendments. These changes will speed up the process time between the initial contact and the inspection to the formal action taken by the County Attorney office.

The Code Enforcement team will still work with individuals who are willing to cleanup their property. Past enforcement has involved numerous letters and status hearings in an effort to “coax” cooperation out of violators. Some actions have dragged on for years with little result. The revised procedure includes the inspection of property to confirm the violation: a letter from the County Attorney advising of the violation, to a simplified formal action of one notice and one hearing. Mr. Vela stated the intent is to expedite the enforcement process and eliminate the wheel-spinning of the past. Only two notices of violation will be issued by the department for the same condition, if the violation isn't cured after the hearing officer procedure has been used twice, staff will escalate the matter to the Superior Court, for criminal prosecution or nuisance abatement. The violator can avoid all but \$100.00 in fines. If the violation isn't cured by deadline, the fine will accrue at 10% interest. If fines aren't paid in 30 days, they're turned over to an outside collection agency. The dates for the neighborhood clean up activity at SKY-HI Retreat were May 22-27 and 10.2 tons were removed, White Mountain Lakes was on June 5th-12th where they removed 13.0 tons. Silver Lakes Estate cleanup will be on July 24th-25th, 2009.

Commissioner's Questions/Comments

Joel Lawson was concerned that we are proceeding too quickly to criminal suits or fines, because some people may not have the means to do it, which could literally ruin their lives. This change doesn't have a grandfather clause so it could be retro-active to someone who had a problem twenty years ago. **Lance Payette** responded that the County doesn't grandfather nuisance type conditions. We would grandfather uses, but you don't grandfather building, safety or health code violations. **Joel Lawson** stated that according to the amendment, each day a violation exist and is proven, it constitutes a separate violation, would that mean a fine of \$750.00 per day. **Lance Payette** said the language came from the Arizona State Statutes, and we can't change that. **Bill Fraley** stated that this text is also included in the current Ordinance. **Lance Payette** said the change will expedite the process. The County doesn't

take action unless there is a neighborhood complaint. When Staff receives a complaint they independently verify if it violates the Ordinance or Code, and when necessary, the County takes action. The Commissioner's other questions and concerns were addressed by Staff and Lance Payette of the County Attorney's Office. Wendell DeCross agreed this was a step in the right direction, and he supports the changes whole heartedly. Mr. DeCross recalled an incident in the Clay Springs area where there were multiple vehicles on a property and the owners didn't have the means to get rid of them, but by working with County Staff they got a car crusher on the property, and not only did he get his vehicles crushed but surrounding property owners brought in their vehicles which were crushed and hauled away. There are other avenues available to help get properties and neighborhoods cleaned up. Chuck Teetsel asked how this new procedure will affect the backlog, and what timeframe would be needed to address the cases. Homero Vela said it would take about 18 months to address most of the cases, but the present Code Enforcement Officer is also working as a Hydrology Technician. Bob Hall asked which town/cities in Navajo County have code enforcement officers. Homero Vela responded that most of them do, and some are working double duty with surrounding town/cities.

Chuck Teetsel made a motion to approve the "Repeal of the existing Article 27 of the Navajo County Zoning ordinance, titled "Administration and Enforcement", to be replaced with a new Article 27, also entitled "Administration and Enforcement", which addresses violations to the provisions of the Zoning ordinance, establishes the Office of the Navajo County Zoning Hearing Officer, provides for the adoption of Hearing Officer Rules of Procedure by resolution of the Board of Supervisors; and established an outline for fees as may be imposed for violations of the Zoning ordinance

The motion was seconded by Carol Davis. The motion was unanimously approved. **In Favor: 8, Opposed: 0.**

Item # 7-Possible approval of the February 19, 2009 Minutes.

A motion was made by Bill Rawlings to approve the minutes as printed. Ruth Ann Smith seconded the motion. The motion carried unanimously.

Item # 8-Possible approval of the March 19, 2009 Minutes.

A motion was made by Bill Rawlings to approve the minutes as printed. Joel Lawson seconded the motion. The motion carried unanimously.

Item # 9 -Department report to Commission.

Greg Loper reported that there will be a Planning & Zoning Commission meeting July 16th, 2009. At the present time he is not sure what is on the agenda, but there are five wind farm applications that are pending which will encompass approximately 30 sections of land. Mr. Loper further said the Cell Tower Ordinance is still being worked on and will be brought before the Commission when it is complete.

Item #10-Commissioners' comments and/or directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Planning & Zoning staff to study or provide additional information on topics of the Commissions' choosing.

Wendell DeCross introduced Commissioner Teetsel who is replacing former commissioner Tom Thomas from District 5. Mr. DeCross spoke with Supervisor Brownlow concerning the CR Zoning, and he is in support of Staff addressing the Zoning Ordinance to change it to C-1/C-2 Zoning it is his understanding no other county has CR Zoning. Greg Loper recalled that there were separate and distinct commercial zoning districts, but some time in the past two decades they were eliminated, with "CR" Zoning District being the only commercial oriented zoning district. Several of the Planning Commissioners publically apologized for not attending the meetings and will make more effort in the future to attend regularly. Wendell DeCross expressed his appreciation for the Staff's work they have done thus far.

With there being no further business to come before the Planning and Zoning Commission,, a motion was made to adjourn the meeting by Ruth Ann Smith. Carol Davis seconded the motion. Motion carried, and the meeting was adjourned at 8.05 p.m.

Approved this 16th day of July, 2009

Wendell DeCross

Wendell DeCross
Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Alberto L. Peshlakai

Alberto L. Peshlakai
Secretary, Navajo County
Planning & Zoning Department